

DISMISSAL AND NOTICE OF RIGHTS

To: David H. Knight 11682 Route 97, Lot 9 Waterford, PA 16441	From: Equal Employment Opportunity Commission Liberty Center, Suite 300 1001 Liberty Avenue Pittsburgh, PA 15222-4187
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☐ On behalf of a person aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.
172-A300686

EEOC Representative
Legal Unit

Telephone No.
(215) 440-2828

(See the additional information attached to this form.)

YOUR CHARGE IS DISMISSED FOR THE FOLLOWING REASON:

- ☐ The facts you allege fail to state a claim under any of the statutes enforced by the Commission.
- ☐ Respondent employs less than the required number of employees.
- ☐ Your charge was not timely filed with the Commission, i.e., you waited too long after the date(s) of the discrimination you alleged to file your charge. Because it was filed outside the time limit prescribed by law, the Commission cannot investigate your allegations.
- ☐ You failed to provide requested information, failed or refused to appear or to be available for necessary interviews/conferences, or otherwise refused to cooperate to the extent that the Commission has been unable to resolve your charge. You have had more than 30 days in which to respond to our final written request.
- ☐ The Commission has made reasonable efforts to locate you and has been unable to do so. You have had at least 30 days in which to respond to a notice sent to your last known address.
- ☐ The respondent has made a reasonable settlement offer which affords full relief for the harm you alleged. At least 30 days have expired since you received actual notice of this settlement offer.
- ☐ The Commission issues the following determination: Based upon the Commission's investigation, the Commission is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☒ Other (briefly state) Respondent is not the proper employer in this given matter.

- NOTICE OF SUIT RIGHTS -

- ☒ Title VII and/or the Americans with Disabilities Act: This is your NOTICE OF RIGHT TO SUE, which terminates the Commission's processing of your charge. If you want to pursue your charge further, you have the right to sue the respondent(s) named in your charge in U.S. District Court. If you decide to sue, you must sue WITHIN 90 DAYS from your receipt of this Notice; otherwise your right to sue is lost.
- ☐ Age Discrimination in Employment Act: This is your NOTICE OF DISMISSAL OR TERMINATION, which terminates processing of your charge. If you want to pursue your charge further, you have the right to sue the respondent(s) named in your charge in U.S. District Court. If you decide to sue, you must sue WITHIN 90 DAYS from your receipt of this Notice; otherwise, your right to sue is lost.
- ☐ Equal Pay Act (EPA): EPA suits must be brought within 2 years (3 years for willful violations) of the alleged EPA underpayment.

I certify that this notice was mailed on the date set out below.

On behalf of the Commission

08-29-03
(Date Mailed)

Eugene V. Nelson, Area Director
Eugene V. Nelson, Area Director

Enclosure
Information Sheet

cc: Respondent(s)
G.A.F. Corporation

EEOC Form 161 (Test 5/95)

EXHIBIT
E

**FILING SUIT UNDER TITLE VII OF THE CIVIL RIGHTS
ACT OR THE AMERICANS WITH DISABILITIES ACT**

PRIVATE SUIT RIGHTS:

This issuance of this Notice of Right to Sue ends EEOC's process with respect to your charge. You may file a lawsuit against the respondent named in your charge within 90 days from the date you receive this Notice. Therefore you should **keep a record of this date**. Once this 90-day period is over, your right to sue is lost. If you intend to consult an attorney, you should do so as soon as possible. Furthermore, in order to avoid any question that you did not act in a timely manner, if you intend to sue on your own behalf, your suit should be filed **well in advance of the expiration of the 90-day period**.

Your lawsuit must be filed in U.S. District Court. Filing this Notice is not sufficient. A court complaint must contain a short statement of the facts of your case which shows that you are entitled to relief. Generally, suits are brought in the state where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office.

You may contact EEOC if you have any questions about your rights, including advice on which U.S. District Court can hear your case, or if you need to inspect and copy information contained in the case file. (Additionally, many EEOC offices can provide you with names of private attorneys who have agreed to consider referrals for private litigation.)

ATTORNEY REPRESENTATION:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, at its discretion, assist you in obtaining a lawyer. If you plan to ask the U.S. District Court to help you obtain a lawyer, you must make this request of the court in the form and manner it requires. Your request to the U.S. District Court should be made well before the end of the 90-day period mentioned above. A request for representation does not relieve you of the obligation to file a lawsuit within this 90-day period.

DESTRUCTION OF FILE:

If you file suit, you or your attorney should forward a copy of your court complaint to the office where you filed your charge within 10 days after you file suit. Your file will be preserved. Generally, EEOC's rules call for your charge file to be destroyed six months from now (one year in the case of charges dismissed for no jurisdiction) unless you have notified us that you have filed suit in U.S. District Court.

**IF YOU FILE SUIT, YOU OR YOUR ATTORNEY SHOULD NOTIFY THIS OFFICE WHEN THE
LAWSUIT IS RESOLVED.**



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Pittsburgh Area Office

Liberty Center
1001 Liberty Avenue, Suite 300
Pittsburgh, PA 15222-4187
(412) 644-3444
TTY (412) 644-2720
FAX (412) 644-2664

David Knight
11682 Route 97
Lot 9
Waterford, PA 16441

Re: 172-A300686
Knight v. G.A.F. Corporation

Dear Mr. Knight:

Your charge of employment discrimination referenced above was investigated pursuant to the Commission's policies and procedures in which it was determined that the Respondent is not a covered employer under Title VII of the Civil Rights Act of 1964, as amended (Title VII) as indicated below:

You alleged that the Respondent discriminated against you because of your race/black in that you were subjected to racially derogatory comments by a management employee of G.A.F. and a white employee of G.A.F. and that you were discharged from your position of truck driver on June 29, 2002, in violation of Title VII.

You were advised of the Respondent's defense by a letter from the Equal Employment Opportunity Commission (EEOC) on or about June 2, 2003. Meanwhile, you submitted a rebuttal for the EEOC's review on or about June 10, 2003.

However, after an examination of the information provided by you and the Respondent, as well as the testimony provided by Transportation Unlimited, the EEOC finds that Transportation Unlimited, not the Respondent (G.A.F. Corporation), was your employer.

Therefore, the EEOC has determined that the Respondent is not the proper employer; and as a result, it lacks jurisdiction to investigate this matter further. Accordingly, please find enclosed the Commission's Dismissal and Notice of Rights. If you wish to pursue this matter further, you may file a lawsuit on your own behalf within 90 days of your receipt of the attached notice.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Southworth", is written over a horizontal line.

Paul Southworth
Investigator

Enclosure